

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 14TH DECEMBER 2006 / 23RD AGRAHAYANA 1928

Bail Appl..No. 7355 of 2006()

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CRIME NO.283/06 OF IRITTY POLICE STATION

: PETITIONER/ACCUSED

1. SHYAPPINEESH, S/O.GOPI,
PANDIKASALA VALAPPIL HOUSE,
PURAKKATTERI, ERANHIKKAL P.O.,
KOZHIKODE.
2. RASHEEB, S/O.BASHEER,
PALLIKKANDY HOUSE,
PUTHIYANGADI P.O., KOZHIKODE.

BY ADV. SRI.CIBI THOMAS

RESPONDENTS: COMPLAINANT AND STATE

1. THE SUB INSPECTOR OF POLICE,
IRITTY POLICE STATION.
2. STATE,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 14/12/2006, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V. RAMKUMAR, J.

BAIL APPLICATION NO.7355 OF 2006

DATED THIS THE 14TH DAY OF DECEMBER, 2006

O R D E R

Petitioners who are accused Nos.1 and 2 in Crime No.283/06 of Iritty Police Station for an offence punishable under section 58 of the Abkari Act for allegedly having been found in possession of 1050 liters of rectified spirit on 14.10.2006 and who were arrested on the same day, seek their enlargement on bail.

2. Learned Public Prosecutor admitted that final report has not been filed within 60 days of detention of the petitioners. If so, by virtue of the proviso to section 167(1) Cr.P.C., the petitioners are entitled to bail as of right. Accordingly, the petitioners are directed to be released on bail on each of them executing a bond for Rs.20,000/- (Rupees twenty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M., Mattannur and subject to the following conditions:

1. Petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

3. The petitioners shall not commit any offence while on bail.

If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE.

dsn